

REMARKS/ARGUMENTS

Claims 1-4 are pending herein. Claims 1 and 2 have been amended to clarify that the method for producing theanine includes reacting glutamine and ethylamine by *Pseudomonas citronellolis* GEA FERM BP-8353, and that the pH range for the reacting step is 9 to 12. New claim 3 recites a method for producing theanine including the steps of extracting glutaminase from *Pseudomonas citronellolis* GEA FERM BP-8353 and reacting glutamine and ethylamine by the glutaminase. Applicants respectfully submit that support for the new and rewritten claims can be found, for example, on pages 2, 3 and 5 of the original specification, and that no new matter has been added.

Examiner Lilling is thanked for the courtesies extended to Applicants' undersigned representative during a telephonic interview on October 16, 2007, at which time Examiner Lilling indicated that submitting an availability statement pursuant to 37 CFR 1.803 would be sufficient to overcome the §112, first paragraph rejection in Section 3 of the Office Action. Applicants respectfully submit that an appropriate availability statement is provided herein below.

1. Claims 1 and 2 were rejected under §112, first paragraph on page 3 of the Office Action.

Applicants respectfully submit that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

Examiner Lilling indicated that submitting the above statement would be sufficient to overcome this §112, first paragraph rejection. In addition, the IPOD address on page 2 of the specification has been modified by the substitute specification paragraph submitted herewith to conform to the format in the MPEP. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

2. The §112, first paragraph rejection of claims 1 and 2 in Section 4 of the Office Action is noted, but deemed moot in view of the rewritten claims submitted above. Accordingly, Applicants respectfully submit that the above rejection be reconsidered and withdrawn.

3. The §112, second paragraph rejection of claims 1 and 2 in Section 5 of the Office Action is noted, but deemed moot in view of the rewritten claims submitted above. Accordingly, Applicants respectfully submit that the above rejection be reconsidered and withdrawn.

4. Claim 2 was rejected under §103(a) over Ueda (JP '364) in view of Yokotsuka. To the extent that the PTO might attempt to apply this rejection against the new and rewritten claims submitted above, it is respectfully traversed.

Independent claim 1 recites a method for producing theanine comprising the steps of reacting glutamine and ethylamine by *Pseudomonas citronellolis* GEA, to produce theanine, wherein the *Pseudomonas citronellolis* GEA is FERM BP-8353.

Claim 2 depends from claim 1 and recites that the pH for reacting the glutamine and ethylamine is in a range of 9 to 12.

Independent claim 3 recites a method for producing theanine comprising the steps of extracting glutaminase from *Pseudomonas citronellolis* GEA FERM BP-8353, and reacting glutamine and ethylamine by the glutaminase to produce theanine.

Claim 4 depends from claim 3 and recites that a pH for reacting the glutamine and ethylamine is in a range of 9 to 12.

As noted above, the claimed new strain *Pseudomonas citronellolis* GEA has been specifically identified as FERM BP-8353. Applicants respectfully submit, however, that the applied references fail to disclose or suggest this new strain first discovered by Applicants, or the use thereof. Moreover, Applicants respectfully submit that the new strain exhibits an unexpected increase in theanine synthesis activity that is shown in the present application to be four times higher than any known

strain. Further, Applicants respectfully submit that the prior art fails to disclose or suggest the synthesis of theanine by extracting glutaminase from the new strain *Pseudomonas citronellolis* GEA FERM BP-8353 and reacting glutamine and ethylamine by the glutaminase.

In addition, claim 2 depends from independent claim 1, which was not rejected over prior art. Applicants respectfully submit that independent claim 1 is believed to be in condition for allowance for at least the same reasons explained in Sections 1-3 above, and that dependent claim 2 is likewise in condition for allowance at least by virtue of its dependency from independent claim 1.

In view of the new and rewritten claims submitted above and for at least the foregoing reasons, Applicants respectfully submit that all claims pending herein define patentable subject matter over the art of record, and respectfully request that the above rejection be reconsidered and withdrawn.


If Examiner Lilling believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

October 22, 2007

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